



**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

December 19, 2018

Via U.S. Mail

MuckRock News

DEPT MR 60445 60193

411A Highland Ave.

Somerville, MA 02144-2516

Re: FOIA 2018-48279

Dear Mr. Hoppock:

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated August 31, 2018 in which you seek E-mail messages to or from James McHenry or David L. Neal mentioning the keywords "Bermudez-Cota" or "Bermudez Cota" from January 1, 2018 to the present date.

Responsive documents are enclosed; however, information within the enclosed documents has also been redacted in accordance with 5 U.S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy.

Additionally, portions of the enclosed documents have been redacted in accordance with U.S.C. § 552(b)(7)(E), which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions. Exemption (b)(7)(E) extends protection of information related to agency technology systems. *See Levinthal v. FEC*, 219 F.Supp.3d 1, 9 (D.D.C. 2016).

Finally, one or more documents originated from another Department of Justice component. We have referred that material to the Department of Justice, Office of Information Policy (DOJ/OIP) for processing and direct response to you. We invite you to review OIP Guidance: *Referrals, Consultations, Coordination: Procedures for Processing Records When Another Agency or Entity Has an Interest in Them* (2011) to learn why documents originating from another component or agency are referred to that component or agency for direct response to the requester.

See <https://www.justice.gov/oip/blog/foia-guidance-13>. To follow up on this portion of your request, please contact OIP directly by visiting the website <https://www.justice.gov/oip/oip-foia>.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. See <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

*Joseph Schaaf*

J.R. Schaaf  
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-48279